

CHAPTER 1.3.7.

GUIDELINES FOR REACHING A
JUDGEMENT OF EQUIVALENCE OF
SANITARY MEASURES

Article 1.3.7.2.

General considerations

Before trade in *animals* or their products may occur, an *importing country* must be satisfied that its animal health status will be appropriately protected. In most cases, the risk management measures drawn up will rely in part on judgements made about the animal health and production system(s) in the *exporting country* and the effectiveness of sanitary procedures undertaken there. Systems operating in the *exporting country* may differ from those in the *importing country* and from those in other countries with which the *importing country* has traded. Differences may be with respect to infrastructure, policies and/or operating procedures, laboratory systems, approaches to the pests and diseases present, border security and internal movement controls.

International recognition of the legitimacy of different approaches to achieving the *importing country's* appropriate level of protection (ALOP) has led to the principle of equivalence being included in trade agreements, including the Agreement on Application of Sanitary and Phytosanitary Measures (the so-called SPS Agreement) of the World Trade Organization (WTO).

Benefits of applying equivalence may include:

- 1) minimising costs associated with *international trade* by tailoring animal health measures to local circumstances;
- 2) maximising animal health outcomes for a given level of resource input;
- 3) facilitating trade by achieving the required health protection through less trade restrictive sanitary measures; and
- 4) decreased reliance on relatively costly *commodity* testing and isolation procedures in bilateral or multilateral agreements.

The *Terrestrial Code* recognises equivalence by recommending alternative sanitary measures for many diseases and pathogenic agents. Equivalence may be gained, for example, by enhanced surveillance and monitoring, by the use of alternative test, treatment or isolation procedures, or by combinations of the above. To facilitate the judgement of equivalence, Member Countries are encouraged to base their sanitary measures on OIE standards, guidelines and recommendations to the extent possible.

It is essential to apply the discipline of risk assessment (the primary scientific component of risk analysis) to the extent practicable in establishing the basis for a judgement of equivalence.

Article 1.3.7.5.

Principles for judgement of equivalence

In conjunction with the above considerations, judgement of the equivalence of sanitary measures should be based on application of the following principles:

- 1) an *importing country* has the right to set the level of protection it deems appropriate (its ALOP) in relation to human and animal life and health in its territory; this ALOP may be expressed in qualitative or quantitative terms;
- 2) the *importing country* should be able to describe the reason for each sanitary measure i.e. the level of protection intended to be achieved by application of the identified measure against a hazard;
- 3) an *importing country* should recognise that sanitary measures different from the ones it has proposed may be capable of providing the same level of protection;
- 4) ~~there are benefits in applying the concept of equivalence to animal health and production systems;~~
- 5) ~~countries~~ the *importing country* should, upon request, enter into consultations with the exporting country with the aim of facilitating a judgement of equivalence;
- 6) any sanitary measure or combination of sanitary measures can be proposed for judgement of equivalence;
- 7) an interactive process should be followed that applies a defined sequence of steps, and utilises an agreed process for exchange of information, so as to limit data collection to that which is necessary, minimise administrative burden, and facilitate resolution of claims;
- 8) the *exporting country* should be able to demonstrate objectively how the alternative sanitary measure(s) proposed as equivalent will provide the same level of protection;
- 9) the *exporting country* should present a submission for equivalence in a form that facilitates judgement by the *importing country*;
- 10) the *importing country* should evaluate submissions for equivalence in a timely, consistent, transparent and objective manner, and according to appropriate risk assessment principles;
- 11) the *importing country* should take into account any knowledge of and prior experience with the *Veterinary Administration* or other competent authority of the *exporting country*;
- 12) the *exporting country* should provide access to enable the procedures or systems which are the subject of the equivalence judgement to be examined and evaluated upon request of the *importing country*;
- 13) the *importing country* should be the sole determinant of equivalence, but should provide to the *exporting country* a full explanation for its judgement;

Appendix VIII (cont'd)

- 14) to facilitate a judgement of equivalence, Member Countries should base their sanitary measures on relevant OIE standards;
 - 15) to allow the judgement of equivalence to be reassessed if necessary, the *importing* and *exporting countries* should keep each other informed of significant changes to infrastructure, health status or programmes which may bear on the judgement of equivalence; and
 - 16) an *importing country* should give positive consideration to a request by an exporting developing country for appropriate technical assistance that would facilitate the successful completion of a judgement of equivalence.
-